

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JENNY WHEELER and SHAWN WHEELER

Plaintiffs,

-against-

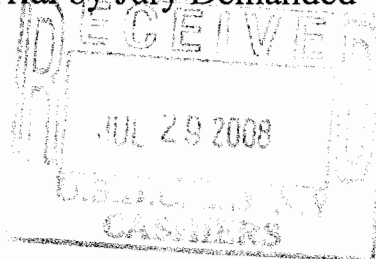
DOUGLAS STRONG, JOHN DOE # 1,  
JOHN DOE #2, and JANE DOE,

Defendants.  
-----X

08 CIV 6766.

COMPLAINT

Trial by Jury Demanded



Plaintiffs, by their attorneys Sivin & Miller, LLP, complaining  
of defendants, allege as follows, upon information and belief:

**THE PARTIES AND JURISDICTION**

1. That at all times herein mentioned, plaintiffs were and are citizens of the State of New York.
2. That at all times herein mentioned, plaintiffs were and are husband and wife, and were and are married to each other.
3. That at all times herein mentioned, defendants were and are citizens of the State of New York
4. That at all times herein mention, defendant Douglas Strong (hereinafter "Strong") was and is a police officer employed by the New York Police Department (hereinafter "the NYPD").

5. That at all times herein mentioned, defendant John Doe #1 was a police officer employed by the NYPD, and was working with Strong at or around 178<sup>th</sup> Street between St. Nicholas Avenue and Audubon Avenue, New York, NY.

6. That at all times herein mentioned, defendant John Doe #2 was a police sergeant employed by the NYPD, and was in communication with Strong and John Doe #1 while they were at or around 178<sup>th</sup> Street between St. Nicholas Avenue and Audubon Avenue, New York, NY.

7. That at all times herein mentioned, defendant Jane Doe was a police officer employed by the NYPD, and was working with Strong, John Doe #1 and John Doe #2 at the 33<sup>rd</sup> Police Precinct, 2207 Amsterdam Avenue, New York, NY.

8. That at all times herein mentioned, Strong, John Doe #1, John Doe #2, and Jane Doe were acting within the course and scope of their employment with the NYPD.

9. That at all times herein mentioned, Strong, John Doe #1, John Doe #2, and Jane Doe were acting under color of state law.

10. That this Court has jurisdiction over this action in that the causes of action arise under 42 USC § 1983.

### **THE FACTS**

11. Plaintiffs repeat and reallege each and every allegation set forth above as though fully set forth at length herein.

12. That on September 20, 2007, plaintiffs were on 178<sup>th</sup> Street between St. Nicholas Avenue and Audubon Avenue in the County of New York, City and State of New York.

13. That while plaintiffs were at the aforesaid location, they were approached by Strong and John Doe #1.

14. That Strong and John Doe #1, without first making any inquiries of plaintiffs, and without justification or privilege, seized plaintiffs, threw them up against a wall, searched plaintiffs and plaintiffs' possessions, handcuffed plaintiffs, and otherwise touched plaintiffs in an offensive manner and without plaintiffs' consent.

15. That during the aforementioned seizure and search, plaintiffs repeatedly told Strong and John Doe #1 that plaintiff Jenny Wheeler was pregnant, and they asked Strong and John Doe #1 to be careful in the manner in which they handled Jenny Wheeler.

16. That John Doe #2 told Strong and John Doe #1 over a police radio that they should bring plaintiffs to the 33<sup>rd</sup> Police Precinct, although John Doe #2 had no justification for giving such a directive.

17. That Strong and John Doe #1 then forcibly brought plaintiffs to the 33<sup>rd</sup> Police Precinct.

18. That en route to and at the 33<sup>rd</sup> Police Precinct, Strong and John Doe #1 continued to touch plaintiffs in an offensive manner, without justification and without privilege, and without plaintiffs' consent.

19. That after they arrived at the 33<sup>rd</sup> Police Precinct, plaintiffs were held forcibly against their will and again were searched and subjected to indignities by Strong, John Doe #1 and Jane Doe, again without justification or privilege.

20. That thereafter, plaintiffs were released from custody without being charged with any crimes, criminal offenses or other violations of law.

21. That as a result of defendants' wrongful conduct, as set forth above, plaintiff Jenny Wheeler miscarried.

22. That as a result of defendants' wrongful conduct, as set forth above, plaintiffs sustained other physical and psychological injuries, incurred medical and other expenses, and sustained other economic loss.

**FIRST CAUSE OF ACTION ON BEHALF OF  
JENNY WHEELER**

23. This plaintiff repeats and realleges each and every allegation contained above as though fully set forth at length herein.

24. That the aforesaid actions by defendants constituted an unlawful search, seizure and arrest of Jenny Wheeler without due process of law, and in violation of plaintiff's rights and privileges under the Fourth and Fourteenth Amendments to the United States Constitution.

25. That by virtue of the aforesaid, defendants are liable to plaintiff for compensatory damages pursuant to 42 USC § 1983.

**SECOND CAUSE OF ACTION ON BEHALF OF  
SHAWN WHEELER**

26. This plaintiff repeats and realleges each and every allegation contained above as though fully set forth at length herein.

27. That the aforesaid actions by defendants constituted an unlawful search, seizure and arrest of Shawn Wheeler without due process of law, and in violation of plaintiff's rights and privileges under the Fourth and Fourteenth Amendments to the United States Constitution.

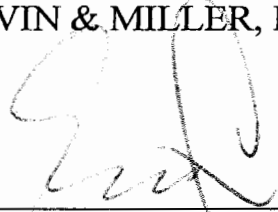
28. That by virtue of the aforesaid, defendants are liable to plaintiff for compensatory damages pursuant to 42 USC § 1983.

WHEREFORE, plaintiffs demand judgment against defendants, and each of them, as follows: On the First Cause of Action: Three Million (\$3,000,000) Dollars; On the Second Cause of Action: Two Million (\$2,000,000) Dollars; and plaintiffs demand punitive damages against

defendants, each in the amount of \$2,000,000, together with attorney's fees pursuant to 42 USC § 1988, and together with the costs and disbursements of this action.

Dated: New York, New York  
July 28, 2008

Yours, etc.  
SIVIN & MILLER, LLP

By   
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Case No.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JENNY WHEELER and SHAWN WHEELER,

Plaintiffs,

-against-

DOUGLAS STRONG, et. al.,

Defendants.

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COMPLAINT

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**SIVIN & MILLER, LLP**

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